



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

SUN MICROSYSTEMS, INC.  
c/o Dorsey & Whitney LLP  
370 SEVENTEENTH ST.  
SUITE 4700  
DENVER CO 80202

**MAILED**

**FEB 09 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Sokolov, et al.	:	
Application No. 09/819,120	:	ON PETITION
Filed: March 27, 2001	:	
Attorney Docket No. SUN1P811/P5512	:	

This decision is mailed in response to the petition under 37 CFR 1.181, filed January 13, 2009, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely respond to the Notice of Allowability, mailed May 16, 2006, which set a three (3) month period for reply. Accordingly, this application became abandoned on August 17, 2006. A Notice of Abandonment was mailed on September 28, 2006.

Petitioners assert the application did not become abandoned because the May 16, 2006 Notice of Allowability erroneously required corrected drawings based on the Notice of Draftsperson's Patent Drawing Review, mailed contemporaneously with the Notice of Allowability, which indicates that the drawings filed on July 2, 2001 are objected to because Fig. 6G is not free of erasures, alterations, overwritings, interlineations, folds, or copy machine marks, and the numbers and reference characters of Fig. 6G are not legible.

Petitioners assert that on certificate of mailing date June 28, 2001 that an annotated drawing sheet and a replacement drawing sheet for Fig. 6G were timely submitted. Therefore, petitioner argues that the application is not abandoned and the Notice of Abandonment was mailed in error.

Petitioners are reminded that the Notice of Allowability set a three month non-extendable period for reply. The Notice of Allowability was never withdrawn. Failure to timely reply resulted in the abandonment of the application. Even if an applicant believes an Office action is mailed in

error or lacks merit, failure to respond *in some manner* by the deadline set in the Office action will result in the application's abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

**Petitioners are encouraged to file a petition to revive under the unavoidable delay provisions of 37 CFR 1.137(a).**


Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By FAX:** (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions